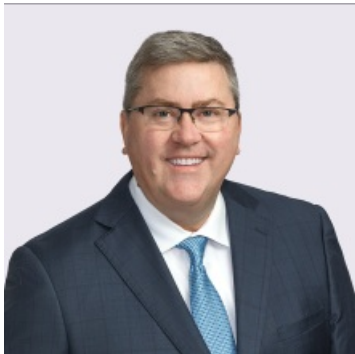


Indiana Enacts New Law on Employer COVID-19 Vaccination Mandates

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Indiana Governor Eric Holcomb has signed into law [House Bill 1001](#), curbing COVID-19 vaccine mandates by employers.

Under the law, which went into effect immediately, most Indiana employers who require employees to receive the COVID-19 vaccine must allow employees to opt out from the requirement based on any of the following: (1) medical reasons; (2) religious reasons; or (3) employee immunity from COVID-19 based on a prior infection with COVID-19.

Coverage Under New Law

Under the law, the term “employee” means “an individual who works for an employer on a full-time or part-time basis, either paid or unpaid.” The term also expressly includes independent contractors, subcontractors, and student trainees or interns.

Certain employers, however, are not subject to the vaccine mandate restrictions. The law does not apply to federal employers, federal contractors and healthcare facilities subject to a federal COVID-19 immunization requirement, and professional sports organizations and entertainment venues with employees who work in close proximity to live sports or entertainment.

Exemptions from Mandatory COVID-19 Vaccinations

To claim an exemption based on *medical* reasons, an employee must provide to the employer an exemption statement in writing affirming the vaccine is medically contraindicated for the employee. The statement must be dated and signed by a licensed physician, a licensed physician’s assistant, or an advanced practice registered nurse. The medical provider must have examined the employee. To claim an exemption based on immunity from COVID-19 acquired from prior infection with COVID-19, an employee must provide to the employer every three months the results of a laboratory test approved by the federal Food and Drug Administration (FDA), including any of the following: a polymerase chain reaction test (PCR) test, an antigen test, or an antibody or serology test. If an employer receives a completed exemption statement based on medical reasons or immunity from COVID-19, the employer must allow the employee to opt out of the vaccine requirement without further inquiry.

To claim an exemption based on *religious* reasons, an employee must provide to the employer an exemption statement in writing indicating the employee declines the immunization against COVID-19 because of a sincerely held religious belief. If this statement is received, the employer must make a religious accommodation “in compliance with Title VII of the federal Civil Rights Act of 1964.”

If an employee receives an exemption from the vaccine, the employer may require the employee to submit to testing for the presence of COVID-19 not more than twice a week, so long as the test has been approved by the FDA, is the least invasive testing option,

and does not create an undue burden on the employee to receive the test. The law is silent on whether employers must pay for testing.

Hoosier employers with mandatory vaccine requirements should diligently review and update their mandatory vaccination policies to include the medical, religious, and immunity exemptions set forth in the new Indiana law and ensure they are equipped and trained to review exemptions based on the law's limitations.

Please contact a Jackson Lewis attorney with any questions.

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